
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

PHILIP KLEIN,

Plaintiff,

vs.

STATE OF UTAH et al.,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:07CV248 DAK

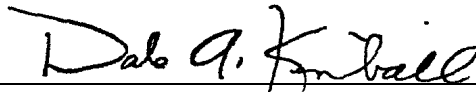
This matter is before the court on the Report and Recommendation (“R&R”) issued by the Magistrate Judge on May 18, 2009. In that R&R, the Magistrate Judge recommended that this case be dismissed without prejudice because Plaintiff had failed to provide any proof of service to show that the Summons and Complaint had been served on the Defendants in this case. On April 30, 2009, the court had issued an Order to Show Cause, directing Plaintiff to inform the court why service had not been made and warning Plaintiff that failure to respond would result in dismissal of his action. Plaintiff, however, failed to respond to the Order to Show Cause.

Plaintiff has also failed to object to the R&R, and his time for doing so has expired. Having reviewed the file in its entirety, the court hereby APPROVES and ADOPTS the Magistrate Judge's Report and Recommendation. Defendant's Complaint is DISMISSED without prejudice. Defendant's pending Motion for Order to Release Zions Bank Statements to Philip Klein as Beneficiary [docket # 7] is MOOT, and Defendant's pending Emergency Motion to

Stay/Stop Adult Protective Services from Closing Plaintiff's Case [docket # 8] is MOOT. The Clerk of the Court is directed to close this case.

DATED this 7th day of July, 2009.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", written over a horizontal line.

DALE A. KIMBALL

United States District Judge